

Frequently Asked Questions and Guidelines
Regarding Certification Issues
Effective March 11, 2011

Question: Can jail pre-service training count toward the first year of in-service training required by Jail Standards?

Answer: In accordance with minimum standards for local Detention Facilities in South Carolina, all approved pre-service training (training prior to Basic Jail Training) may count toward the first year of in-service training required for certification renewal.

Question: How is training credit accounted for during the period from 45 days prior to expiration of the certification until the officer's renewal date?

Answer: Training can be reported on the next 3 year training cycle MRN or submitted prior to the officer's renewal date.

Question: When and how soon should a PCS of Hire form be submitted?

Answer: PCS of Hire forms on new officers, **those not previously certified or those with a break in service over 1 year and being used in a law enforcement capacity**, should be submitted within three (3) working days of hire. SC Code of Laws 23-23-40. PCS of Hire forms on previously certified officers, with no break in service, should be submitted within 15 days. SC Regulation 38-002

Question: What separation form would I need to complete on an officer that was terminated for a DUI arrest? SC Regulation 38-004 and/or 38-016

Answer: Complete the Routine Separation form, check other, specify terminated-charged with DUI, no disposition.

Question: What separation form would I need to complete on an officer that was separated and charged with a hit and run while on duty? SC Regulation 38-004 and/or 38-016

Answer: Complete the Routine Separation form, check other, specify terminated-charged with hit and run, no disposition.

Question: What separation form would I need to complete on an officer transferring from Class 1 to Class 3?

Answer: Complete the Routine Separation form and check the transfer from Class 1 LEO to Class 3 LEO block.

Question: What separation form should I complete for an officer leaving for military duty?

Answer: Complete the Routine Separation form and check the military leave block.

Question: What documents are required upon return from military duty?

Answer: Agencies should submit a PCS of Hire form, complete with background investigation, and a DD 214 or military orders indicating beginning and ending dates of military service. If this officer needed to renew his or her certification while activated and does not have the training to recertify, an extension will be granted to his or her certification. SC Regulation 38-015

Question: What documents are required for disability, medical or administrative leave?

Answer: Agencies should submit a PCS of Separation for disability, medical or administrative leave only if it affects their certification renewal or if it results in the separation or termination of the officer or if the absence exceeds one (1) year. SC Regulation 38-015

Question: Can field training hours count towards an officer's re-certification?

Answer: Field training hours can be counted for re-certification provided the FTO program is formally structured and taught under a current approved Academy lesson plan.

Question: Will the 36 hour (12 hrs annually) instructor teaching requirement keep the Basic Instructor certification current?

Answer: Basic Instructors, who do not hold additional instructor certifications, i.e., Firearms or Driving, must serve as a Guest Instructor on the Practical Problems Range once during the three (3) year cycle to renew the BID certification. The 36 hours teaching is a maintenance requirement not a renewal.

Question: Will a Firearms or Driving Instructor Certification keep my Basic Instructor Certification current?

Answer: An instructor holding an advanced certification such as Firearms or Driving and subsequently serves as a Guest Instructor on the Driving or Weapons range will continue to be current in Basic Instructor.

Question: Can an officer receive in-service credit for training received prior to attending the Academy?

Answer: Officers can receive in-service training credit, prior to attending the Academy, only if the training was administered within the year the training act requires the officer to be certified and if taught under a current approved Academy Lesson Plan.

Question: Will officers, who serve with private contractors such as i.e., DynCorp or MPRI or Civilian Police International in a law enforcement capacity, receive service credit or extensions to certification for time served?

Answer: Effective November 8, 2010, SCCJA will no longer grant extensions to law enforcement officers that have contracted with private companies. Any individual who signed a contract prior to November 8, 2010, will be grandfathered in upon return from these contracts. Effective November 8, 2010, the only cases where the certification can be extended are military leave, disability leave, medical leave or administrative leave. SC Regulation 38-015

Question: Can a retired South Carolina Law Enforcement Officer, who has held a Group II Constables Commission more than one (1) year, transfer directly to Reserve status?

Answer: No. The Group II Constable would have to transfer to a Class 1 LEO and then transfer to Reserve status.

Question: Who is eligible for re-employment under the Uniformed Services Employment and Re-employment Rights Act (USERRA)?

Answer: The Act applies to persons who perform duty, **voluntarily** or **involuntarily**, in the uniformed services.

Service means:

- Active duty
- Active duty for training
- Initial active duty for training (Basic & AIT)
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person's fitness for any of the above types of duty.
- Funeral honors duty

This includes the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services and any other category of persons designated by the President in time of war or emergency. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA.

Question: Is notification, to the employer, of military service required by USERRA?

Answer: Yes, the law requires all employees to provide their employers with advance notice of military service. Notice may be either written or oral and may be given by the employee or by an appropriate officer of the branch of the military in which the employee will be serving. No notice is required if:

- military necessity prevents the giving of notice or
- the giving of notice is otherwise impossible or unreasonable.

Question: What is the duration of military service authorized by USERRA?

Answer: Generally, the cumulative length of service that causes a person's absences from a position may not exceed five years. Some exceptions allow the military member to be gone for longer than 5 years.